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13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16 UNITED STATES OF AMERICA, ) No. CR-11-00138 SBA  
17 Plaintiff, )  
18 vs. ) **STIPULATION AND ORDER  
19 LUIS CARDENAS MORFIN, ) REFERRING MATTER TO DOCTOR  
20 Defendant. ) FOR PSYCHOLOGICAL  
21 EXAMINATION**  
22 \_\_\_\_\_  
23  
24 IT IS HEREBY STIPULATED, by and between the parties to this action, and based  
25 upon the record set forth at the last calling of the matter on June 14, 2011, that the defendant  
26 be referred to Dr. John Chamberlain for psychological examination to evaluate whether the  
defendant is competent to stand trial in the above-captioned matter – that is, whether the  
defendant is currently suffering from a mental disease or defect rendering him mentally  
incompetent to the extent that he is unable to understand the nature of the proceedings against  
him or to assist properly in his own defense. IT IS FURTHER STIPULATED that Dr.  
Chamberlain shall have access to the defendant at his current place of pre-trial detention in

1 order to conduct whatever testing Dr. Chamberlain deems necessary to evaluate the defendant's  
2 competency. Upon completion of his examination Dr. Chamberlain shall prepare a report of  
3 his findings and conclusions, which shall be filed with the Court pursuant to 18 U.S.C. §§  
4 4247(b) and (c).

5 IT IS FURTHER STIPULATED that a hearing to determine the defendant's  
6 competency shall be held on September 6, 2011 at 10:00 a.m.

7 IT IS FURTHER STIPULATED that the time between June 14, 2011 and September 6,  
8 2011 should be excluded under 18 U.S.C. §3161(H)(1)(A) as delay resulting from the need to  
9 conduct an examination and the appropriate proceedings to determine the mental competency  
10 of the defendant.

11

12 Date 07/12/11

13 /s/  
14 David Kelvin  
15 Attorney at Law  
16 Counsel for defendant CARDENAS-MORFIN

17

18 Date 07/12/11

19 /s/  
20 Karen Beausey  
21 Assistant United States Attorney

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I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/S/ Karen Beausey  
Counsel for the United States

## ORDER

3 The Court finds that based upon the stipulation of the parties to this action and the  
4 record set forth at the last calling of the matter on June 14, 2011, there is reasonable cause to  
5 believe that the defendant may presently be suffering from a mental disease or defect rendering  
6 him mentally incompetent to the extent that he is unable to understand the nature and  
7 consequences of the proceedings against him or to assist in his defense. Accordingly, IT IS  
8 HEREBY ORDERED that the defendant be referred to Dr. John Chamberlain for  
9 psychological examination to evaluate whether the defendant is competent to stand trial in the  
10 above-captioned matter. IT IS FURTHER ORDERED that Dr. Chamberlain shall have access  
11 to the defendant at his current place of pre-trial detention in order to conduct whatever testing  
12 Dr. Chamberlain deems necessary to evaluate the defendant's competency. IT US FURTHER  
13 ORDERED that upon completion of his examination Dr. Chamberlain shall prepare a report of  
14 his findings and conclusions, which shall be filed with the Court pursuant to 18 U.S.C. §§  
15 4247(b) and (c).

16 IT IS FURTHER ORDERED that a hearing to determine the defendant's competency  
17 shall be held on September 6, 2011 at 10:00 a.m.

18 IT IS FURTHER ORDERED that the time between June 14, 2011 and September 6,  
19 2011 should be excluded under 18 U.S.C. §3161(h)(1)(A) as delay resulting from the need to  
20 conduct an examination and the appropriate proceedings to determine the mental competency  
21 of the defendant.

22 | IT IS SO ORDERED.

24 | 7/15/11  
Date

Saundra B Armstrong  
HON. SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE